

**REMARKS/ARGUMENTS**

Claims 1-23 and 25 to 27 are pending in this application.

Claims 5-8, 14-17 and 23 are allowed.

Claims 1-4, 9-13, 18-22 and 25-27 are rejected under 35 U.S.C. 103(a).

**Amendments**

The claims have been amended in the manner shown on the enclosed marked-up copy. In particular, claims 1, 10 and 20 have been amended to replace “a criterion or condition of the talk request other than a user identifier” with “a current state of the talk request”.

**35 U.S.C. 103(a) rejection**

Claims 1-4, 9-12, 18, 20-21 and 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, (Motorola, Siemens, Nokia Technical Specification (Push to Talk over Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1 (2003-10)) in view of Wu (U.S PAT. 5,872,840).

Claims 13, 19, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson, in view of Wu and further in view of Griffiths (U.S PUB. 2002/0186827).

The Examiner has indicated that the arguments presented in our last response are persuasive. The only new reference cited is Wu. It is respectfully submitted that independent claims 1, 10 and 20, as amended distinguish over Ericsson and Wu in combination for at least the reason that neither Ericsson nor Wu disclose overriding DnD functionality based on an ignoreDnD attribute for the user device applied to a current state of the talk request. The Examiner has admitted that Ericsson does not disclose overriding DnD functionality based on an ignoreDnD attribute for the

user device applied to a criterion or condition other than a user device identifier. As for Wu, DnD is overridden based on the number of previously attempted call setups by the calling party. Therefore, the basis for overriding DnD functionality in Wu is the number of times the calling party has attempted to call. Whereas, the amended claims now recite that the ignoreDnD attribute is applied to a current state of the talk request.

For at least the above reason, it is submitted that amended independent claims 1, 10 and 20 distinguish over Ericsson and Wu and therefore, it is submitted that they are compliant with 35 U.S.C. 103(a). Claims 2 to 4, 9 to 12, 18, 21, 26 and 27 are each dependent on one of claims 1, 10 and 20 and are therefore it is submitted that they are compliant with 35 U.S.C. 103(a) for at least the same reasons.

As for the rejection of claims 13, 19, 22, and 25, it is respectfully submitted that Griffiths does not resolve the deficiencies in Ericsson and Wu.


### Conclusion

For at least the reasons given above, it is respectfully requested that the rejections under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing, favourable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

HAO XUE, ET AL.

By   
Kelly Miranda

Reg. No. 55960  
Tel.: (613) 232-2486

Date: July 22, 2009

KLM:lme:sns  
Encl.